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The Commonwealth of Massachusetts

ANNUAL REPORT
OF THE

BOARD OF REGISTRATION
IN MEDICINE

FOR THE
YEAR ENDING NOVEMBER 30, 1938

DIVISION OF REGISTRATION

Mass. DEPARTMENT OF CIVIL SERVICE AND REGISTRATION



1939
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BOARD OF REGISTRATION IN MEDICINE

State House, November 30, 1938.

To MARGARET M. O'RIORDAN, *Director of Registration*:

MADAM: The Board of Registration in Medicine respectfully submits the following as its annual report for the year ending November 30, 1938.

FINANCIAL STATEMENT FOR THE FISCAL YEAR

| <i>Expenditures</i> | | |
|--|-------------|-------------|
| Salaries of members of Board | \$6,300.00 | |
| General expenses of Board | 1,407.11 | |
| Traveling expenses of Board | 712.72 | |
| | <hr/> | \$8,419.83 |
| <i>Receipts</i> | | |
| 466 examination fees @ \$25 | \$11,650.00 | |
| 281 interne fees @ \$5 | 1,405.00 | |
| 395 student fees @ \$1 | 395.00 | |
| 256 re-examination fees @ \$3 | 768.00 | |
| Advance payment of re-examination fees | 11.00 | |
| Fees for certified statements | 124.00 | |
| | <hr/> | \$14,353.00 |

Financial Statement Verified

Approved.

GEO. E. MURPHY, *Comptroller*

Since the establishment of the Board in 1894, the fees received from applicants for registration, renewals and certified statements, and interest on deposits, and paid into the Treasury of the Commonwealth, amount to \$387,971.72. The expenditures of the Board amount to \$297,635.08. In dollars and cents, therefore, the Commonwealth has received \$90,336.64 in excess of the total amount expended.

The number of persons applying for registration during this year is 705. The total number of persons registered during this year is 308. Of these, 102 have been registered by virtue of their National Board certification; 245 applicants were examined for the first time; 113 re-examination applicants filed new applications, and 11 applicants who were accepted did not appear for examination. Of those who had failed in previous examinations, 358 were re-examined. Registrations have been granted to 281 internes and to 395 students.

TABLE I

| Applicants | Examined | Registered | Rejected | Per-centage rejected |
|------------|-----------|------------|-----------|----------------------|
| March | 194 | 62 | 132 | 68 |
| July | 210 | 83 | 127 | 60 |
| July 13 | 1 | 1 | 0 | 0 |
| August 19 | 1 | 1 | 0 | 0 |
| October 6 | 1 | 1 | 0 | 0 |
| November | 196 | 58 | 138 | 70 |
| | <hr/> 603 | <hr/> 206 | <hr/> 397 | <hr/> 65 |

Applications for registration in medicine must be made upon blanks furnished by the Board, and must be accompanied by two photographs of the applicant, said photographs must be size 3¼ by 4¼ inches. One of the photographs must be certified by the dean or registrar of the medical school from which the applicant is graduated, or by a person authorized to administer oaths, and who is known to this Board. All applications, together with the required fee of \$25 and the required vouchers, must be filed not less than fourteen days before the date of the examination.

On receipt of an application properly executed, a card of admission is issued to the applicant, showing his application number and the date and place of the examination. One of the photographs submitted with the application is also returned with the card, and the number of the application is designated on the photograph, and both card and photograph must be presented by the applicant at the time of the examination. No one is admitted except by card bearing date and place of examination. Cards are issued to rejected applicants entitled to a re-examination upon payment of a fee of \$3, when applied for

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not later than Tuesday of the week next preceding the date of an examination. Three regular examinations yearly are provided, beginning respectively, on the second Tuesday in March, July, and November.

The examinations are conducted in the English language only, as required by the law, and are intended to cover substantially the instruction given in the high-grade medical schools in this country. The subjects on which the examinations are principally conducted are anatomy, histology, pathology, bacteriology, surgery, obstetrics, gynecology, diagnosis, therapeutics, pediatrics, toxicology, psychiatry, biology, chemistry, physics, physiology, and hygiene.

The following table shows the number of diplomates of the National Board of Medical Examiners who have been granted registration in Massachusetts since 1923, when the National Board examination was first accepted in place of the examination of the Massachusetts Board:

TABLE II

| Number Registered | Year | Number Registered | Year | Number Registered | Year |
|-------------------|------|-------------------|------|-------------------|------|
| 1 | 1923 | 26 | 1928 | 79 | 1933 |
| 6 | 1924 | 34 | 1929 | 76 | 1934 |
| 10 | 1925 | 44 | 1930 | 71 | 1935 |
| 21 | 1926 | 40 | 1931 | 84 | 1936 |
| 23 | 1927 | 55 | 1932 | 76 | 1937 |
| | | | | 102 | 1938 |

The following table shows the number of diplomates of the National Board of Medical Examiners, and the schools from which they were graduated, who were granted registration during 1938:

TABLE III

| School of Graduation | Number Registered |
|--------------------------------------|-------------------|
| Albany Medical College | 2 |
| Boston University School of Medicine | 18 |
| College of Medical Evangelists | 1 |
| Dalhousie University | 1 |
| Georgetown University | 4 |
| Harvard Medical School | 25 |
| Johns Hopkins University | 1 |
| McGill University | 2 |
| Northwestern University | 2 |
| Rush Medical School | 2 |
| Syracuse University | 2 |
| Tufts College Medical School | 30 |
| Tulane University | 1 |
| University of Leipzig | 1 |
| University of Oklahoma | 1 |
| University of Vermont | 2 |
| Washington University | 2 |
| Woman's Medical College | 1 |
| Yale University | 4 |
| | 102 |

The certificate of the National Board of Medical Examiners is granted recognition by the licensing boards of forty-three states, two more than last year, and three territories. Some of these states, however, have additional requirements, but recognition is still spreading.

FOREIGN MEDICAL SCHOOLS

The increase in the number of graduates of foreign medical schools taking the examination before the Board continues. In 1933, six candidates took the examination; in 1934 there were fourteen; in 1935 there were thirty-two; in 1936 there were fifty; in 1937 there were thirty-four; this year there were forty-eight. It is probable that the number will increase each year for several years to come, although the total number of American students in foreign medical schools has decreased considerably. Most of the other states have adopted regulations which will make it more difficult for these graduates to fulfill the requirements for admission to examination. These regulations are directed toward making the education received in foreign medical schools more easily comparable with and more exactly equivalent to, medical education

given in the approved schools of the United States. No new rulings by the Board to meet foreign conditions have been possible under the statute, but since all schools will have to comply with the requirements set by the Approving Authority after January 1, 1941, it is possible that some restrictions will be established by that date.

TABLE IV

The following tabulation is based upon the results of the examination of all applicants during the year covered by this report, divided into two groups,—those taking the examination for the first time, and those who failed in previous examination or examinations.

| Medical Schools | Number Examined: First Time | | | Number Examined: After First Time | | | Totals | | | |
|---|--------------------------------|----------|------------------|--------------------------------------|----------|------------------|--------|----------|---------------------|----------|
| | Passed | Rejected | Year of Grad. | Passed | Rejected | Year of Grad. | Passed | Rejected | Percent Rejected | Examined |
| Boston University School of Medicine | 9 | 1 | 1936 | | | | 9 | 1 | 10 | 10 |
| College of Physicians and Surgeons, Boston | 5 | 2 | 1937 | 6 | 4 | 1934 | 11 | 27 | 71 | 38 |
| | | 3 | 1938 | 6 | | 1936 | | | | |
| | | | | 11 | | 1937 | | | | |
| | | | | 1 | | 1938 | | | | |
| Harvard Medical School | 18 | | | | | | 18 | 0 | 0 | 18 |
| Massachusetts College of Osteo- pathy | | | | 3 | 1 | 1928 | 3 | 23 | 87 | 26 |
| | | | | | 1 | 1934 | | | | |
| | | | | | 7 | 1935 | | | | |
| | | | | | 6 | 1936 | | | | |
| | | | | | 8 | 1937 | | | | |
| Middlesex University | 19 | 1 | 1934 | 17 | 3 | 1924 | 36 | 196 | 85 | 231 |
| | | 5 | 1936 | | 3 | 1925 | | | | |
| | | 22 | 1937 | | 1 | 1928 | | | | |
| | | 10 | 1938 | | 1 | 1929 | | | | |
| | | | | | 4 | 1930 | | | | |
| | | | | | 3 | 1931 | | | | |
| | | | | | 4 | 1932 | | | | |
| | | | | | 26 | 1933 | | | | |
| | | | | | 4 | 1934 | | | | |
| | | | | | 7 | 1935 | | | | |
| | | | | | 41 | 1936 | | | | |
| | | | | | 57 | 1937 | | | | |
| | | | | | 4 | 1938 | | | | |
| Tufts College Medical School | 29 | | | 6 | 3 | 1935 | 35 | 3 | 7 | 38 |
| Baylor University | 2 | | | | | | 2 | 0 | 0 | 2 |
| Chicago College of Osteopathy | 1 | | | | | | 1 | 0 | 0 | 1 |
| Chicago Medical School | 1 | 1 | 1936 | | | | 1 | 1 | 50 | 2 |
| Columbia University College of Physicians and Surgeons | 6 | | | | | | 6 | 0 | 0 | 6 |
| Cornell University Medical College | 3 | | | | | | 3 | 0 | 0 | 3 |
| Des Moines Still College of Osteopathy | | | | 1 | 1937 | | 0 | 1 | 100 | 1 |
| Emory University | 1 | | | | | | 1 | 0 | 0 | 1 |
| George Washington University | 1 | | | | | | 1 | 0 | 0 | 1 |
| Georgetown University | 4 | | | | | | 4 | 0 | 0 | 4 |
| Jefferson Medical College | 2 | | | | | | 2 | 0 | 0 | 2 |
| Johns Hopkins University | 4 | | | | | | 4 | 0 | 0 | 4 |
| Kansas City College of Osteo- pathy and Surgery | | | | 1 | 1936 | | 0 | 1 | 100 | 1 |
| Kansas City University of Physicians and Surgeons | 1 | 1 | 1935 | 3 | 3 | 1929 | 4 | 62 | 93 | 66 |
| | | 1 | 1936 | | 1 | 1930 | | | | |
| | | 3 | 1937 | | 9 | 1932 | | | | |
| | | 5 | 1938 | | 15 | 1933 | | | | |
| | | | | | 2 | 1935 | | | | |
| | | | | | 9 | 1936 | | | | |
| | | | | | 11 | 1937 | | | | |
| | | | | | 2 | 1938 | | | | |
| Kirkville College of Osteo- pathy and Surgery | 2 | 1 | 1929 | | 6 | 1934 | 2 | 17 | 89 | 19 |
| | | 4 | 1938 | | 5 | 1936 | | | | |
| | | | | | 1 | 1938 | | | | |
| Mid-West Medical College | 2 | 1 | 1934 | 3 | 19 | 1934 | 5 | 26 | 81 | 32 |
| | | 1 | 1936 | | 3 | 1937 | | | | |
| | | 2 | 1937 | | | | | | | |

TABLE IV — Continued

| Medical Schools | Number Examined: First Time | | | Number Examined: After First Time | | | Totals | | | |
|---|--------------------------------|----------|------------------|--------------------------------------|----------|----------------------|--------|----------|---------------------|----------|
| | Passed | Rejected | Year of Grad. | Passed | Rejected | Year of Grad. | Passed | Rejected | Percent Rejected | Examined |
| Missouri College of Medicine and Science | | 1 | 1927 | | | | 0 | 1 | 100 | 1 |
| New York Homeopathic Medical College | | | | 1 | | | 1 | 0 | 0 | 1 |
| New York University | 1 | | | | | | 1 | 0 | 0 | 1 |
| Nothwestern University | 2 | | | | | | 2 | 0 | 0 | 2 |
| Philadelphia College of Oste- opathy | 3 | 1 | 1938 | 1 | 2 | 1935 1936 1937 | 4 | 10 | 71 | 14 |
| Rush Medical College | 1 | | | | 3 | | 1 | 0 | 0 | 1 |
| St. Louis College of Phy- sicians and Surgeons | | 1 | 1926 | | | | 0 | 1 | 100 | 1 |
| St. Louis University | 1 | | | | | | 1 | 0 | 0 | 1 |
| Temple University | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Chicago | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Indiana | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Kansas | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Maryland | 2 | | | 1 | | | 3 | 0 | 0 | 3 |
| University of Michigan | 5 | | | | | | 5 | 0 | 0 | 5 |
| University of Minnesota | 2 | | | | | | 2 | 0 | 0 | 2 |
| University of Rochester | 2 | | | | | | 2 | 0 | 0 | 2 |
| University of Tennessee | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Vermont | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Virginia | 1 | | | | | | 1 | 0 | 0 | 1 |
| Vanderbilt University | 4 | | | | | | 4 | 0 | 0 | 4 |
| Western Reserve University | 1 | | | | | | 1 | 0 | 0 | 1 |
| Woman's Medical College | 1 | | | 1 | 1934 | | 1 | 1 | 50 | 2 |

TABLE V

FOREIGN MEDICAL SCHOOLS

| | | | | | | | | | | |
|----------------------------|---|---|------|---|------|--|---|---|-----|---|
| Dalhousie University | 1 | | | | | | 1 | 0 | 0 | 1 |
| Laval University | | 1 | 1904 | | | | 0 | 1 | 100 | 1 |
| McGill University | 3 | | | | | | 3 | 0 | 0 | 3 |
| Royal College of Edinburgh | 1 | | | 3 | 1936 | | 1 | 3 | 75 | 4 |
| Royal College of England | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Athens | | 1 | 1910 | 1 | 1914 | | 0 | 2 | 100 | 2 |
| University of Berlin | 3 | 1 | 1934 | | | | 3 | 1 | 25 | 4 |
| University of Berne | | 1 | 1937 | | | | 0 | 1 | 100 | 1 |
| University of Bonn | 1 | 1 | 1923 | | | | 1 | 1 | 50 | 2 |
| University of Cologne | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Geneva | | | | 1 | 1937 | | 0 | 1 | 100 | 1 |
| University of Genoa | | 1 | 1936 | 1 | 1924 | | 0 | 2 | 100 | 2 |
| University of Ghent | | | | 2 | 1934 | | 0 | 2 | 100 | 2 |
| University of Goettingen | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Koenigsberg | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Lausanne | 1 | | | 1 | 1936 | | 1 | 1 | 50 | 2 |
| University of Leipzig | 3 | | | | | | 3 | 0 | 0 | 3 |
| University of Manitoba | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Munich | | 1 | 1937 | 1 | 1937 | | 0 | 2 | 100 | 2 |
| University of Naples | | 1 | 1936 | 2 | 1934 | | 0 | 3 | 100 | 3 |
| University of Rome | | | | 2 | 1931 | | 0 | 2 | 100 | 2 |
| University of St. Andrews | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Tartu | | 1 | 1938 | | | | 0 | 1 | 100 | 1 |
| University of Utrecht | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Toronto | 1 | | | | | | 1 | 0 | 0 | 1 |
| University of Vienna | 2 | 1 | 1936 | | | | 2 | 1 | 33 | 3 |
| University of Wurzburg | | 1 | 1931 | 1 | 1931 | | 0 | 2 | 100 | 2 |

TABLE VI

The following tabulation shows the results of re-examinations this year, and the institutions from which the candidates were graduated:

| School | Number of rejected Applicants | Year of graduation | Number of times examined | Result of examination |
|---|-------------------------------|--------------------|--------------------------|-----------------------|
| College of Physicians and Surgeons, Boston | 1 | 1934 | 10 | Not registered |
| | 1 | 1934 | 4 | Not registered |
| | 1 | 1936 | 6 | Not registered |
| | 1 | 1936 | 5 | Reg. 5th exam. |
| | 1 | 1936 | 4 | Not registered |
| | 1 | 1936 | 3 | Reg. 3rd exam. |
| | 1 | 1937 | 5 | Not registered |
| | 1 | 1937 | 3 | Reg. 3rd exam. |
| | 2 | 1937 | 3 | Not registered |
| | 1 | 1937 | 2 | Reg. 2nd exam. |
| | 3 | 1937 | 2 | Not registered |
| | 1 | 1938 | 2 | Reg. 2nd exam. |
| | 1 | 1938 | 2 | Not registered |
| | 1 | 1938 | 5 | Not registered |
| | 1 | 1934 | 4 | Not registered |
| | 1 | 1935 | 11 | Reg. 11th exam. |
| | 1 | 1935 | 11 | Not registered |
| Massachusetts College of Osteopathy | 1 | 1935 | 6 | Not registered |
| | 1 | 1936 | 7 | Reg. 7th exam. |
| | 1 | 1936 | 5 | Not registered |
| | 2 | 1936 | 4 | Not registered |
| | 1 | 1936 | 2 | Not registered |
| | 1 | 1937 | 4 | Not registered |
| | 3 | 1937 | 3 | Not registered |
| | 1 | 1937 | 2 | Reg. 2nd exam. |
| | 1 | 1924 | 10 | Not registered |
| | 1 | 1925 | 18 | Not registered |
| | 1 | 1928 | 7 | Not registered |
| | 1 | 1929 | 18 | Not registered |
| | 1 | 1930 | 19 | Not registered |
| | 1 | 1930 | 17 | Reg. 17th exam. |
| | 1 | 1930 | 9 | Not registered |
| | 1 | 1931 | 22 | Not registered |
| | 1 | 1931 | 10 | Reg. 10th exam. |
| Middlesex University | 1 | 1932 | 12 | Not registered |
| | 2 | 1932 | 7 | Not registered |
| | 1 | 1933 | 17 | Not registered |
| | 2 | 1933 | 13 | Not registered |
| | 1 | 1933 | 12 | Not registered |
| | 1 | 1933 | 10 | Not registered |
| | 1 | 1933 | 9 | Not registered |
| | 1 | 1933 | 8 | Not registered |
| | 1 | 1933 | 6 | Not registered |
| | 1 | 1933 | 5 | Not registered |
| | 1 | 1933 | 3 | Not registered |
| | 1 | 1934 | 6 | Not registered |
| | 1 | 1935 | 10 | Reg. 10th exam. |
| | 1 | 1935 | 10 | Not registered |
| | 2 | 1935 | 7 | Not registered |
| | 2 | 1936 | 8 | Not registered |
| | 2 | 1936 | 6 | Reg. 6th exam. |
| | 2 | 1936 | 6 | Not registered |
| | 2 | 1936 | 5 | Reg. 5th exam. |
| | 6 | 1936 | 5 | Not registered |
| | 3 | 1936 | 4 | Reg. 4th exam. |
| | 1 | 1936 | 3 | Reg. 3rd exam. |
| | 3 | 1936 | 3 | Not registered |
| | 1 | 1936 | 2 | Reg. 2nd exam. |
| | 4 | 1936 | 2 | Not registered |
| | 1 | 1936 | 1 | Not registered |
| | 6 | 1937 | 5 | Not registered |
| | 3 | 1937 | 4 | Reg. 4th exam. |
| | 4 | 1937 | 4 | Not registered |
| | 8 | 1937 | 3 | Not registered |
| | 3 | 1937 | 2 | Reg. 2nd exam. |
| | 11 | 1937 | 2 | Not registered |
| | 4 | 1938 | 2 | Not registered |
| Tufts College Medical School | 1 | 1932 | 3 | Reg. 3rd exam. |
| | 1 | 1935 | 6 | Reg. 6th exam. |
| | 1 | 1935 | 5 | Reg. 5th exam. |
| | 1 | 1935 | 3 | Not registered |
| | 1 | 1936 | 2 | Reg. 2nd exam. |
| Des Moines Still College of Osteopathy | 2 | 1937 | 2 | Reg. 2nd exam. |
| | 1 | 1937 | 3 | Not registered |
| Kansas City College of Osteopathy and Surgery | 1 | 1936 | 2 | Not registered |

TABLE VI — *Continued*

| School | Number of rejected Applicants | Year of grad- uation | Number of times examined | Result of examination |
|--|-------------------------------------|----------------------------|--------------------------------|--------------------------|
| Kansas City University of Physicians and Surgeons | 1 | 1929 | 17 | Not registered |
| | 1 | 1929 | 16 | Not registered |
| | 1 | 1930 | 2 | Not registered |
| | 1 | 1932 | 14 | Not registered |
| | 1 | 1932 | 13 | Not registered |
| | 1 | 1932 | 6 | Not registered |
| | 1 | 1933 | 17 | Not registered |
| | 1 | 1933 | 15 | Reg. 15th exam. |
| | 1 | 1933 | 13 | Not registered |
| | 2 | 1933 | 9 | Not registered |
| | 1 | 1933 | 6 | Not registered |
| | 1 | 1933 | 3 | Reg. 3rd exam. |
| | 1 | 1935 | 4 | Not registered |
| | 1 | 1935 | 3 | Reg. 3rd exam. |
| | 1 | 1935 | 2 | Not registered |
| | 1 | 1936 | 7 | Not registered |
| | 2 | 1936 | 6 | Not registered |
| | 1 | 1936 | 5 | Not registered |
| | 2 | 1937 | 5 | Not registered |
| | 1 | 1937 | 4 | Not registered |
| | 2 | 1937 | 2 | Not registered |
| | 2 | 1938 | 2 | Not registered |
| Kirksville College of Osteopathy and Surgery | 1 | 1934 | 8 | Not registered |
| | 1 | 1934 | 4 | Not registered |
| | 1 | 1936 | 5 | Not registered |
| | 1 | 1938 | 2 | Not registered |
| Mid-West Medical College | 1 | 1934 | 14 | Reg. 14th exam.* |
| | 1 | 1934 | 12 | Not registered |
| | 1 | 1934 | 9 | Not registered |
| | 1 | 1934 | 8 | Not registered |
| | 1 | 1934 | 6 | Reg. 6th exam. |
| | 2 | 1934 | 6 | Not registered |
| | 1 | 1934 | 4 | Reg. 4th exam. |
| | 1 | 1934 | 4 | Not registered |
| | 1 | 1934 | 3 | Not registered |
| Philadelphia College of Osteopathy | 1 | 1935 | 8 | Not registered |
| | 1 | 1935 | 4 | Not registered |
| | 1 | 1936 | 7 | Not registered |
| | 2 | 1936 | 4 | Not registered |
| New York Homeopathic Medical College | 2 | 1937 | 3 | Not registered |
| | 1 | 1934 | 2 | Reg. 2nd exam. |
| | 1 | 1936 | 2 | Reg. 2nd exam. |
| Woman's Medical College | 1 | 1934 | 2 | Not registered |

* Includes seven previous examinations as graduate of St. Louis College of Physicians and Surgeons, 1923 and three previous examinations as graduate of Kansas City University of Physicians and Surgeons, 1932.

TABLE VII
FOREIGN MEDICAL SCHOOLS

| | | | | |
|-----------------------------|---|------|---|------------------|
| Royal Colleges of Edinburgh | 1 | 1936 | 4 | Not registered |
| University of Athens | 1 | 1914 | 5 | Not registered |
| University of Berne | 1 | 1937 | 3 | Not registered* |
| University of Geneva | 1 | 1937 | 3 | Not registered** |
| University of Genoa | 1 | 1924 | 2 | Not registered |
| University of Ghent | 1 | 1934 | 4 | Not registered |
| University of Lausanne | 1 | 1936 | 2 | Not registered |
| University of Munich | 1 | 1937 | 2 | Not registered |
| University of Naples | 1 | 1934 | 4 | Not registered |
| University of Rome | 1 | 1931 | 3 | Not registered |
| University of Wurzburg | 1 | 1931 | 2 | Not registered |

* Includes two previous examinations as graduate of Kansas City University of Physicians and Surgeons, 1933.

** Includes one previous examination as graduate of Chicago Medical College, 1935.

MEDICINE IN MASSACHUSETTS

DISPOSITION OF RECOMMENDATIONS OF 1937

In the Annual Report of the Board for 1937, there were made five recommendations for changes in the law with five bills drafted accordingly. They were (1) House Number 39, to define the practice of medicine; (2) House Number 40, to exempt dentists, optometrists and chiropodists from the penalties for practicing medicine if they restricted their practice to the field for which they were licensed; (3) House Number 41, to provide for annual registration of physicians; (4) House Number 42, to remove a contradiction in section two of chapter one hundred and twelve concerning term of revocation of license under certain conditions; and (5) House Number 43, to remove from the statute reference to membership in a chartered state medical society as a qualification or disqualification for membership on the Board. Only the fourth recommendation was adopted in the Acts of 1938, Chapter 210, which reads as follows:

An Act Relative to the Revocation or Suspension of Certificates of Registration To Practice Medicine and to the Cancellation of such Registration

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section two of chapter one hundred and twelve of the General Laws, as most recently amended by sections one and two of chapter two hundred and forty-seven of the acts of nineteen hundred and thirty-six, is hereby further amended by striking out all after the word "application" in the twenty-first line, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—

The board, after due notice and hearing, may revoke any certificate issued by it to, and cancel the registration of, any physician convicted of a felony, and may, at any time after the expiration of one year thereafter, reissue any certificate so revoked, and register anew any physician whose registration was so canceled. The board, after due notice and hearing, may suspend, for a period not exceeding one year, any certificate issued by it to, and cancel the registration of, any physician who has been shown at such hearing to have been guilty of gross and confirmed use of alcohol in any of its forms while engaged in the practice of his profession, or of the use of narcotic drugs in any way other than for therapeutic purposes; or of abuse of the authority granted in section two hundred and nine A of chapter ninety-four; or of publishing or causing to be published, or of distributing or causing to be distributed, any literature contrary to section twenty-nine of chapter two hundred and seventy-two; or of acting as principal or assistant in the carrying on of the practice of medicine by an unregistered person or by any person convicted of the illegal practice of medicine or by any physician whose registration has been canceled, and whose certificate has been revoked or suspended, by the Board; or of aiding and abetting in any attempt to secure registration, either for himself or for another, by fraud; or, in connection with his practice, of defrauding or attempting to defraud any person. Except as otherwise provided herein, the board may, at any time, reissue any certificate so revoked and register anew any physician whose registration was canceled.

Approved April 14, 1938.

OTHER LEGISLATION (ENACTED) AFFECTING THE BOARD

In Chapter 247 of the Acts of 1936, the Approving Authority of colleges and medical schools was created and January 1, 1939 was set as the effective date for the beginning of its activity in rejecting candidates for examination by the Board as from non-approved medical schools. In 1938, a bill (House Number 758) was introduced seeking postponement of this effective date to January 1, 1942. The date was changed to January 1, 1941 by Chapter 259, Sections one and two of the Acts of 1938, which reads as follows:

*An Act Relative to the Qualifications of Applicants for Registration
as Qualified Physicians*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section three of chapter two hundred and forty-seven of the acts of nineteen hundred and thirty-six is hereby amended by striking out, in the third line, the word "thirty-nine" and inserting in place thereof the word: —forty-one, —so as to read as follows:— Section 3. The provisions of said section two of said chapter one hundred and twelve as existing immediately prior to January first, nineteen hundred and forty-one, shall continue to govern as to the eligibility of any applicant for registration as a qualified physician who shall have matriculated prior to said date in any legally chartered medical school having power to confer degrees in medicine, but subject, however, to the provisions of section two of chapter one hundred and seventy-one of the acts of nineteen hundred and thirty-three.

SECTION 2. Section six of said chapter two hundred and forty-seven is hereby amended by striking out, in the fourth line, the word "thirty-nine" and inserting in place thereof the word: —forty-one, —so as to read as follows:— Section 6. The provisions of this act providing new eligibility requirements for applicants for registration as qualified physicians shall become effective January first, nineteen hundred and forty-one.

Approved May 2, 1938.

Under Chapter 424 of the Acts of 1935, the Board of Registration in Medicine was directed to prepare and transmit to the Industrial Accident Board a list of registered physicians. From this list the Industrial Accident Board was directed to select three physicians "who shall be impartial" referees. Objections had been made at the time of the hearing on the bill which became this law, that the board of registration had no knowledge of what physicians were qualified in this field. Later it submitted a comprehensive list, that proved to be of little value to the Industrial Accident Board. By Chapter 462 of the Acts of 1938, the preparation of such list by the Board of Registration in Medicine was discontinued.

Three bills (House No. 1084, House No. 1133 and House No. 1195) were introduced which had as their object the withdrawal of Massachusetts educational institutions from the jurisdiction of the Approving Authority. The approach varied from bill to bill, and they were considered separately by the Committees on Education, on Public Health, and on State Administration, but all failed of enactment.

Two bills (Senate No. 282, House No. 759) were introduced to establish a separate board of examination and registration for osteopathic physicians. At the present time osteopathic physicians are admitted to examination for registration on the same basis as holders of the degree of doctor medicine, they take the same examination, and if registered, they practice under the same conditions. Also they are eligible to membership on the board of registration under the same conditions. Neither bill was enacted.

There was introduced into the House one bill (House No. 854) to create a separate board of examination and registration of chiropractors. While the statements concerning education in chiropractic schools indicate that higher standards are being enforced in some schools, there is no evidence that the best schools approximate at all closely the standards of the average medical school. The bill failed of enactment.

RECOMMENDATIONS

It is well established that a medical practice act is for the purpose of protecting the public by regulating the practice of medicine. In creating such an act, it would seem reasonable to set forth, first, as clearly as possible by definition, what the practice of medicine is of which regulation is sought. A second step would seem to be to set up standards of qualification for prac-

tioners, and a third step would be a register of persons meeting the qualifications. The first of these conditions the Massachusetts statute has never attempted to meet. The second was met inadequately for years, and only in 1936 was the Massachusetts statute brought into conformity with standards generally accepted throughout the United States. Although the Approving Authority for colleges and medical schools was created in 1936, the statute, owing to a subsequent change, does not become effective until January 1, 1941. The third has been provided from the beginning, but no specific provision has been made to secure up-to-date accuracy of the list of registered physicians. The name is entered at registration, but only by chance does the Board learn anything about a physician after he starts in practice. The attention of the Legislature is respectfully requested for a consideration of what the Board regards as needed legislation, covering especially these points.

1. Section 6 of chapter 112 of the General Laws (Tercentenary Edition) reads in part as follows: "... Whoever, not being lawfully authorized to practice medicine within the commonwealth, ... holds himself out as a practitioner of medicine or practices or attempts to practice medicine in any of its branches ... shall be punished ..." The section closes with the following sentence: "A person rendering medical service in violation of this section shall recover no compensation therefor."

In spite of the penalty attached to the violation of this statute there is at no point a definition of the practice of medicine, except that in section 7, entitled "To Whom Not Applied," by negative implication it is suggested that various groups, such as "pharmacists prescribing gratuitously, clairvoyants, or persons practicing hypnotism, magnetic healing, mind cure, massage, Christian Science or cosmopathic method of healing," may be practicing medicine, but are exempt from the prohibition unless making certain misrepresentations.

It is often claimed by drugless healers that since they neither use medicine nor penetrate the tissues of the human body they are not practicing medicine or surgery. Also the expression "holds himself out as a practitioner of medicine" is not clear in its application.

It would seem that both physicians and the public may well ask that the Legislature define, for the purpose of the statute, what it is that the statute is designed to regulate. The Board therefore, submits a bill relative to the meaning of "rendering medical service", the "practice of medicine" and "holding one's self out as a practitioner of medicine."

It is clear that, under this, as under any other reasonable definition of the practice of medicine, dentists and chiropodists (podiatrists) are practicing medicine. Since they are practicing under limiting licenses, the Board incorporates in the bill a provision to give them exemption from the penalties provided for the illegal practice of medicine if they restrict their practice within the limits of the authorization given by their respective boards of registration. Another change suggested in chapter 112, section 7, is in line 6, where the words "public health" should be substituted for "marine hospital", as this substitution has been made by the Federal government in designating its own services years ago.

An Act Relative to Meaning of the Terms "Rendering Medical Service", "Practice of Medicine" and "Holding One's Self out as a Practitioner of Medicine" and to Exempting Dentists and Chiropodists (Podiatrists) in Certain Cases from Penalties Provided for Unlawful Practice of Medicine.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter one hundred and twelve of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting after section five the two following new sections:—

Section 5A. For the purposes of sections two to twelve A, inclusive, the "practice of medicine" or "rendering medical service" shall include any examination or treatment of a human being, by the use or disuse of any means, for the purpose of diagnosing, preventing or curing any deviation from normal

condition of mind or body, or for the purpose of relieving any condition of mind or body whether arising from such a deviation or otherwise.

Section 5B. For the purposes of sections two to twelve A, inclusive, a person shall be regarded as holding himself out as a practitioner of medicine, if he makes known, in any manner, to any other person, or to the public, his ability or willingness to practice medicine either personally or by a servant or agent.

SECTION 2. Chapter one hundred and twelve of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in line six of section seven, the following words:—"marine hospital",—and inserting in place thereof:—public health,—and by adding in line nineteen of section seven the following sentence:—They shall not apply to dentists, or chiropodists (podiatrists) when duly registered by their respective board of registration and practicing as authorized by law,—so as to read as follows:—

Section 7. Sections two to six, inclusive, and section eight shall not be held to discriminate against any particular school or system of medicine, to prohibit medical or surgical service in a case of emergency, or to prohibit the domestic administration of family remedies. They shall not apply to a commissioned medical officer of the United States army, navy or public health service in the performance of his official duty; to an interne or medical officer registered as provided in section nine, while engaged in the practice of medicine as authorized by said section; to an assistant in medicine registered as provided in section nine A, while engaged in the practice of medicine as authorized by said section; to a physician or surgeon resident in another state who is a legal practitioner therein, when in actual consultation with a legal practitioner of this commonwealth; to a physician authorized to practice medicine in another state, when he is called as the family physician to attend a person temporarily abiding in this commonwealth; nor to registered pharmacists in prescribing gratuitously, clairvoyants or persons practicing hypnotism, magnetic healing, mind cure, massage, Christian Science or cosmopathic method of healing, if they do not violate any provision of the preceding section. They shall not apply to dentists, or chiropodists (podiatrists) when duly registered by their respective boards of registration and practicing as authorized by law.

2. In section 4 of chapter 112 of the General Laws (Tercentenary Edition), under the heading "Records," the Board is required to keep a record of the names of all persons registered by it, "and a duplicate thereof shall be open to inspection in the office of the state secretary." In practice the information contained in the list is given out at the office of the Board as a matter of convenience to inquirers. Whatever may have been the reasons for this requirement of a list of names of the persons registered when the law was passed, they are just as cogent now, and additional experience has shown that the value of such a record depends on its accuracy.

No provision is made by the statute for keeping the list up to date, and the Board therefore knows nothing about a physician after registration except the town in which he records his certificate (statutory), unless complaint is made to the Board, or by chance his death is reported. He may have changed his place of residence and even left the State, or he may have died. The Board therefore does not know who is actually practicing medicine in Massachusetts, and it is impossible for the law-enforcing body to restrict practice to registered persons. The result is that there are probably a thousand unlicensed persons (not physicians) in the State who are practicing medicine in some form, and it may well be that a considerable number are practicing under licenses of deceased physicians. In the past year one such case came to the attention of the Board. After the physician's death it was discovered that he had been practicing under the license of another physician who had died about thirty years before.

The purpose of the statute was undoubtedly to supply at any given time accurate information as to what persons were at that time registered as qualified physicians. To enable the Board to secure accurate and up-to-date

information, annual licensing of qualified physicians is recommended. Eighteen other States now have similar requirements for physicians, and it is required in Massachusetts by the Boards of Registration for Nursing, Dentistry, Optometry, Chiropody, Barbering, Hairdressing and Embalming.

There can be no question concernig the wisdom of such annual licensing, but differences of opinion have arisen as to details of administration. For three years a bill making such a provision has been introduced and has been rejected. The organized medical profession in Massachusetts has opposed the bill, although many individuals have expressed themselves as favoring it.

In the bill submitted, possible or alleged objectionable details have been eliminated except the fee of \$2. In most States which have annual registration the fee is \$2. It is estimated that this amount will be sufficient for checking on the registration, and will provide in addition moneys which can be used for the employment of satisfactory practical examinations for candidates seeking registration.

An Act Requiring the Annual Licensing of Qualified Physicians

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter one hundred and twelve of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting after section four the following new section:—

Section 4A. Every person registered as a qualified physician, who is engaged in the practice of medicine within the commonwealth, shall annually in December transmit to the board a license fee of two dollars together with a statement made on a blank furnished by the board at his request and signed by him under the penalties of perjury, giving his name, his registration number, the date of his registration, his professional address and such other information concerning his medical education as the board may require; provided that such statement may be so transmitted at any time prior to April first next following upon the payment of a licensee fee of two dollars together with a further fee of one dollar for each month or part thereof that he is in default; and provided further that every registered qualified physician who withdraws from the practice of medicine within the commonwealth shall be exempt from transmitting such licensee fee or statement during the time of such withdrawal if he notifies the board in writing of such intended withdrawal. After such a withdrawal and prior to re-entering the practice of medicine within the commonwealth, every qualified registered physician shall transmit to the board a license fee of two dollars and the statement aforesaid. The board shall give to each qualified registered physician transmitting the fee and statement hereunder a certificate stating that he has complied with the provisions of this section and he shall display such certificate continuously in a conspicuous place in his office during the period covered by such certificate. Every person registered by the board as a qualified physician, who is engaged in the practice of medicine within the commonwealth, shall notify the board promptly of any change of his professional address, giving his new address in writing. Whoever, being duly registered under section two or corresponding sections of earlier laws, practices medicine within the commonwealth without complying with the requirements of this section, shall be punished by a fine of not less than five nor more than one hundred dollars.

3. In section 10 of chapter 13 the qualifications for membership in the Board of Registration in Medicine contain a restriction which, incorporated in the act of 1894, when the Board was established, has come down unchanged to the present time, and which, in the opinion of the Board, no longer serves a useful purpose. The restriction reads as follows: "Not more than three members of said board shall at one time be members of any one chartered state medical society." In 1894 there were at least three chartered state medical societies, and the spirit of partisanship was high, with considerable feeling of jealousy. At the present time partisanship has almost vanished, and in the opinion of the Board is not likely to become an important factor again.

In recent years several members of the Massachusetts Medical Society have been willing to give up membership in that society to accept appointment to the Board in the service of the State, and the Board thinks that the restriction works an unnecessary hardship, without compensating advantages. Membership or lack of membership should not be determining factors, but rather there should be emphasized such personal qualities as character, integrity, honesty and sagacity. The bill embodying this change was introduced last year, and at the hearing no opposition was voiced. It was, however, not favored by the committee. The conditions have not changed in the past year, so that the Board again recommends that the restriction be removed.

*An Act Relative to the Qualifications for Membership on the Board of
Registration in Medicine*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section ten of chapter thirteen of the General Laws, as amended by chapter eight of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in lines nine to eleven, inclusive, the words "and no more than three members thereof shall at one time be members of any one chartered state medical society",—so as to read as follows—Section 10. There shall be a board of registration in medicine, in the two following sections called the board, consisting of seven persons, residents of the commonwealth, registered as qualified physicians under section two of chapter one hundred and twelve, or corresponding provisions of earlier laws, who shall have been for ten years actively engaged in the practice of their profession. No member of said board shall belong to the faculty of any medical college or university. One member thereof shall annually in June be appointed by the governor, with the advice and consent of the council, for seven years from July first following.

The Board has been in actual session thirteen days; has conducted seventeen hearings; revoked two certificates of registration; suspended two, cancelled one and restored two. Eight hearings were continued; all of which were taken up and disposed of at later meetings, and one letter of censure was sent. One case was dismissed; one case was placed on file and one on probation. Three petitions for the restoration of certificates of registration were taken up two of which were granted. The time given by the individual members of the Board in rating examination books is not included in the thirteen days devoted to Board meetings.

By vote of the Board, the Chairman and Secretary have been empowered to hold conferences in certain instances with physicians relative to whom complaints have been made in order to ascertain if Board hearings are necessary. In this manner, the time of the members has been saved and financial economy for the State has been effected.

On April 15, 1938 Dr. Stephen Rushmore was reappointed to the Board.

Respectfully submitted,

FRANCIS R. MAHONY, M. D., *Chairman*
STEPHEN RUSHMORE, M. D., *Secretary*
DANIEL J. HURLEY, M. D.
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